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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Bryan Lee Whatley,

Plaintiff,

v.

Esports Entertainment Group, Inc.,
f/k/a VGAMBLING, INC.,

Defendant.

Case No. 3:19-cv-00111-LRH-WGC

ORDER

On November 26, 2018, plaintiff filed his complaint in the Southern District of Florida, Fort Lauderdale Division; however, the parties subsequently filed a stipulated motion of transfer to the District of Nevada, and said motion was granted.

On February 26, 2019, the case was randomly assigned to District Judge Larry R. Hicks and Magistrate Judge William G. Cobb in the District of Nevada. The court notified the parties of the requirements under Local Rule IA 11-2, and on March 12, 2019, defendant filed a motion to substitute counsel (ECF No. 24) which was granted on March 13, 2019 (see ECF No. 25).

Also, on March 13, 2019, defendant answered the First Amended Complaint (ECF No. 27). At that time the deadline for the discovery plan/scheduling order was set for April 27, 2019. On April 23, 2019, defendant filed a motion to dismiss (ECF No. 30) in which the court is informed that despite an answer having been filed, defendant received no communication from plaintiff regarding a discovery plan or conference.

1 On April 29, 2019, a second notice was issued to plaintiff's counsel regarding
2 Local Rule IA 11-2, and subsequent to that notice, plaintiff did file a verified petition for
3 permission to practice pro hac vice (ECF No. 34) on May 9, 2019. However, said
4 petition lacked the required certificate of good standing and notice of that fact was sent
5 to plaintiff on May 10, 2019 (ECF No. 35). To date, there has been no response from
6 plaintiff.

7 The court has reviewed defendant's Motion to Dismiss, to which no response
8 was filed by plaintiff, and finds there is good cause to dismiss this matter given plaintiff's
9 lack of prosecution, failure to respond to the motion to dismiss [failure to file points and
10 authorities in response to any motion constitutes consent to the granting of the motion –
11 see LR 7-2(d)], and failure to comply with the court's notices regarding LR IA 11-2.

12 IT IS THEREFORE ORDERED that defendant's motion to dismiss (ECF No. 30)
13 is GRANTED.

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15 IT IS SO ORDERED.

16 DATED this 27th day of August, 2019.

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19 LARRY R. HICKS
20 UNITED STATES DISTRICT JUDGE
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